

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ALFONSO HERNANDEZ,

Plaintiff,

vs.

Civ. No. 12-394 KBM/ACT

DANIEL BACA, et al.,

Defendants.

ORDER GRANTING DEFENDANTS' MOTION TO COMPEL

THIS MATTER comes before the Court on Defendants' Motion to Compel filed on February 19, 2013. [Doc. No. 23.]

Rule 7.1(b) of the Local Rules of Civil Procedure for the United States District Court District of New Mexico states in pertinent part:

- (b) . . . The failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion

D.N.M.LR-Civ. 7.1(b).

Rule 7.4(a) of the Local Rules of Civil Procedure for the United States District Court District of New Mexico states in pertinent part:

- (a) Timing. A response must be served and filed within fourteen (14) calendar days after service of the motion. . . .

D.N.M.LR-Civ. 7.4(a).


Defendants are asking this Court to compel Plaintiff to serve answers to the Interrogatories and Requests for Production that were served upon him on January 13, 2013.

Plaintiff has not filed and served a response in opposition to the Motion within the time

prescribed for doing so thereby constituting consent to grant the motion. *See* D.N.M.LR-Civ. 7.1(b) supra.

For these reasons, the Defendants' Motion is granted. Plaintiff must serve his answers to the Interrogatories and Requests for Production that were served on him on January 13, 2013, within ten (10) days of the entry of the Order.

IT IS SO ORDERED.



ALAN C. TORGERSON
United States Magistrate Judge